

July 12, 2010

Town of Albion regular Town Board meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 7:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present was Councilperson Ryan Miller, Councilperson Clifford Thom, Supervisor Judith Koehler, Councilperson Timothy Neilans and Councilperson Matthew Passarell. Also present was Attorney for the Town John Gavenda, Code Enforcement Officer Daniel Strong, Highway Superintendent Jed Standish and Town Clerk Sarah Basinait.

Supervisor Judith Koehler: I need a motion for the agenda. Any additions or deletions?

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Ryan Miller to approve the agenda with the addition of the excavator bids that were received under 7B, Highway. Motion carried by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: Dan would give the Board an update on your department.

Code Enforcement Daniel Strong gave the Board an update on his department and asked the Board to pass a motion allowing him to draft a RFP for mowing and cleanup. The Board made the following decision:

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom authorizing Code Enforcement Officer Dan Strong to precede with the RFP for mowing and cleanup services and that the Attorney for the Town John Gavenda's secretary will retype said document with the additional language that it will be awarded to the lowest responsible bidder, references and proof of insurance are required. Said RFP will be will go out in bid form in the Batavia Daily News and said bids will be opened on July 29, 2010 at 9:00 am by Code Enforcement Officer Daniel Strong and Councilperson Clifford Thom. Bids will be reviewed by Code Enforcement Officer Daniel Strong and Councilperson Clifford Thom they will bring their recommendations back to the Board on August 9, 2010. Motion carried by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion allowing the Code Enforcement Officer to advertise in the Lake Country Pennysaver.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell authorizing Code Enforcement Officer Daniel Strong to advertize for bids on the RFP for mowing and cleanup that Attorney for

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the Town John Gavenda's secretary has prepared in the Lake Country Pennysaver. Motion carried by the following:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: Next are the bids for the excavator.

Highway Superintendent Jed Standish explained that he had received three bids for the excavator and that the Yanmar and the Case did not meet the specifications in the bid. The other machine, Kubota, met or exceeded the specifications in the bid. He asked the Board to award the bid to Kubota. The Board discussed this and Supervisor Judith Koehler felt that it needed to be rebid as two of the bids didn't meet the specifications. The following resulted after the discussion:

Resolution #63 Award of Bid for 2010 Excavator

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Clifford Thom to award the bid for the 2010 Kubota KX 121-3 to Admar in the amount of \$42,850.00 contingent upon approval from the State Comptrollers Office. Motion carried by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, nay Councilperson Timothy Neilans, nay
Councilperson Matthew Passarell, aye

Please note that Highway Superintendent Jed Standish submitted in writing his review and objections to the other two bids received for a Yanmar and Case excavators and why they did not meet the bid specifications. He also stated that Kubota met or exceeded the bid specifications. The above document is hereby filed with and made a part of these minutes.

Supervisor Judith Koehler: I need a motion to approve the minutes of the June 14th meeting.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell to approve the minutes of the June 14th, 2010 meeting with the correction that Councilperson Timothy Neilans volunteered to work with the Skate Board Park group. Motion carried by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a motion to approve the minutes of the June 28th meeting.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell to approve the minutes of the June 28th, 2010 meeting as published and submitted:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye

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**Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a resolution for the vouchers.

Resolution #64 Payment of Claims

Whereas, the following are against the Town:

General A & B #'s – 227 – 242, 244 & 246- 259	\$ 10,747.15
Highway DA & DB #'s – 107 – 122	\$ 99,081.46
Water Districts #'s – 49 – 50	\$ 175.71
Grant 7 # 11	\$ 2,247.40
Grant 9 #'s 9 – 10	\$ 1,710.78
Sewer District #1 #9	\$ 34.55
For a grand total of	\$113,997.05

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Matthew Passarell to approve payment of the above listed claims excluding voucher # 243 and # 245. Resolution duly adopted by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a resolution for the Federal Civil Right Impact.

Resolution #65 Federal Civil Rights Impact – Water District #9

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Matthew Passarell to authorize Supervisor Judith Koehler to execute a letter to Stuart I. Brown regarding Water District #9 and the Federal Civil Rights Impacts. The letter signed by Supervisor Judith Koehler is hereby filed with and made a part of these minutes. Resolution duly adopted by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a resolution to accept and sign the proposal from Municipal Solutions.

Resolution #66 Municipal Solutions Agreement – Water District #9

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to accept the financial advisory proposal from Municipal Solutions, Inc not to exceed \$10,500.00 for Water District #9. The executed proposal in its entirety is hereby filed with and made a part of these minutes. Resolution duly adopted by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a resolution for the legal services agreement.

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Resolution #67 Legal Services agreement – Water District #9

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Ryan Miller to accept the proposal from John Gavenda for legal services in regards to Water District #9 in an amount not to exceed \$34,000.00. The executed agreement between Supervisor Judith Koehler and Attorney for the Town John Gavenda in its entirety is hereby filed with and made a part of these minutes. Resolution duly adopted by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a resolution to accept the engineering agreement with Chatfield Engineers.

Resolution #68 Engineering Services Agreement – Water District #9

The Engineering Services Agreement for Water District #9 from Chatfield Engineers in an amount not to exceed \$67,626.00 in its entirety is hereby filed in the Town Clerks Office. Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom to adopt this resolution.

Resolution duly adopted by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: Ryan, your update on the camera system.

Councilperson Ryan Miller gave an update on the camera system and explained to the Board about the access codes for the Board members. Town Clerk Sarah Basinait asked if she would be able to have an access code. Councilperson Ryan Miller said he would have to look into it and that he was meeting with Red Hawk at 7:00 am the following morning.

Supervisor Judith Koehler: I need a resolution for the parks and recreation for the 2011 budget.

Resolution #69 Village of Albion/Town of Albion Parks and Recreation Agreement

Whereas, the Comprehensive Plan Survey results indicated that 85 – 94% of the population, uniformly across the Village of Albion Town of Gaines, Village of Albion Town of Albion and Town of Albion outside the Village, felt that the town and village should continue to cooperate on parks and recreation and work to improve them. Therefore, the Town of Albion proposes that it make a contribution to the Parks and Recreation Program provided by the Village of Albion in accordance with the following terms:

1. Estimates of the population of the Village of Albion in the Town of Albion range from 75 to 80% of the population of the Town of Albion. We will base our figures on 80% for the purpose of this proposal. We will use the final Census 2010 figures for our actual percentages.

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2. The Town acknowledges that the median household income of the Village of Albion, at the time of draft, is approximately \$4,000.00 less than the median household income of the Town of Albion. The Town acknowledges the benefit it receives in terms of grants and financial aid as a result of a median household income lower than the County of Orleans median household income.
3. The Town acknowledges that, while a Village is a voluntary entity, the residents of the Village of Albion finance operations of the Town that are a duplication of services they receive in the Village. Were there no Village of Albion, the Town of Albion would be responsible for roads in the Village.

Now therefore be it resolved if projected revenues and expenditures remain at the level indicated in our June 2010 monthly report, the Town of Albion shall make a budgetary allocation of \$10,000.00 in the 2011 fiscal year, with the understanding:

1. The Village shall expedite a resolution approving the formation of a Parks and Recreation Committee/Commission between the Village of Albion and the Town of Albion for the purpose of improving the parks and recreation program that serves residents of the Town and the Village of Albion.
2. That inter-municipal agreement shall specify the contractual relationship between the two entities, namely for that.
3. The agreement shall satisfy all requirements of valid inter-municipal agreement.

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom authorizing the adoption of the above resolution. Resolution duly adopted by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: John, would explain about the New York Department of Parole.

Attorney for the Town John Gavenda explained that he received a request from the New York State Department of Parole inquiring about using the Town Building to meet with parolees. The Board discussed this and took the following action:

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Ryan Miller to deny the use of the Town of Albion building by the New York State Department of Parole. Motion carried by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a motion to accept the Fixed Assets report.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans to accept the Fixed Assets Report from EFP

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Rotenberg. Said report in its entirety is hereby filed with and a part of these minutes. Motion carried by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a motion to accept the audit analysis report.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Matthew Passarell to accept the Audit Analysis from EFP Rotenberg. Said report in its entirety is hereby filed with and a part of these minutes. Motion carried by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a motion for the proposal on the computers.

Motion was made by Councilperson Clifford Thom and was seconded by Councilperson Timothy Neilans authorizing Councilperson Ryan Miller and Attorney for the Town John Gavenda to precede with the RFP for computers, network and copier and said RFP will be will go out in bid form in the Batavia Daily News and the Lake Country Pennysaver and said bids will be opened on July 29, 2010 at 9:00 am by Councilperson Ryan Miller and Attorney for the Town John Gavenda and they will bring their recommendations back to the Board on August 9, 2010. Motion carried by the following vote:

Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye

Supervisor Judith Koehler: I need a resolution for the transfers.

Resolution #70

Transfers

GENERAL FUND - TOWNWIDE

<i>Transfer</i>			\$
<i>From:</i>	A9010.8	State Retirement	4,202.00
			<hr/>
		TOTAL:	<u>4,202.00</u>

<i>Transfer</i>			\$
<i>To:</i>	A1910.4	Unallocated Insurance	2,843.00
	A1920.4	Dues	99.00

			\$
A4025.4	Drug Testing		500.00
			\$
A5010.1A	Hwy Deputy Supt Svc		750.00
			\$
A5010.4	Hwy Supt Contractual		10.00
			\$
		TOTAL:	<u>4,202.00</u>

GENERAL FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>		Unanticipated Revenue	
	BUB	Unexpended Balance	\$ 5,250.00
			\$
		TOTAL:	<u>5,250.00</u>

<i>Transfer To:</i>	B1990.4	Contingency	\$ 5,250.00
			\$
		TOTAL:	<u>5,250.00</u>

HIGHWAY FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	DB9010.8	State Retirement	\$ 150.00
			\$
		TOTAL:	<u>150.00</u>

<i>Transfer To:</i>	DB9050.8	Unemployment Insurance	\$ 100.00
	DB9055.8	Disability Insurance	\$ 50.00
			\$
		TOTAL:	<u>150.00</u>

WATER DISTRICT #2

<i>Transfer</i>		Source of Supply	\$
<i>From:</i>	SW8320.4	Contractual	250.00
			<hr/>
			\$
		TOTAL:	<u>250.00</u>

<i>Transfer</i>			\$
<i>To:</i>	SW8310.4	Admin Contractual	250.00
			<hr/>
			\$
		TOTAL:	<u>250.00</u>

WATER DISTRICT #7

<i>Transfer</i>		Source of Supply	\$
<i>From:</i>	SW8320.4	Contractual	250.00
			<hr/>
			\$
		TOTAL:	<u>250.00</u>

<i>Transfer</i>			\$
<i>To:</i>	SW8310.4	Admin Contractual	250.00
			<hr/>
			\$
		TOTAL:	<u>250.00</u>

WATER DISTRICT #8 - (#5 Ext #1)

<i>Transfer</i>		Transmission & Distr	\$
<i>From:</i>	SW8340.2	Equip	500.00
			<hr/>
			\$
		TOTAL:	<u>500.00</u>

<i>Transfer</i>			\$
<i>To:</i>	SW8310.4	Admin Contractual	350.00
		Social Security	\$

	\$
TOTAL:	500.00

Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Matthew Passarell approving the above listed transfers. Resolution duly adopted by the following vote:

Councilperson Ryan Miller, aye	Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye	Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye	

Supervisor Judith Koehler: I need a resolution for the cell phone policy.

Resolution #71 Cellular Phone Use Policy

- 1. While at work, you are to refrain from using personal cell phones.**
- 2. Only employees with prior authorization are permitted to use their personal cell phone and only then for official business on behalf of the Town of Albion.**
- 3. In the interest of personal safety, any employee driving a personal vehicle or Town of Albion vehicle or any other type of equipment for Town of Albion is expected to refrain from using a cell phone while driving unless they use a headset or other “hands-free” method.**
- 4. Regardless of the circumstances, including slow or stopped traffic, employees are expected to pull off the road and safely stop the vehicle before placing or accepting a call.**
- 5. If you are charged with a traffic violation resulting from the use of your cell phone while driving on Town of Albion business, you will be solely responsible for all liabilities that result from such action.**
- 6. Any employee caught using a cell phone while driving a Town of Albion vehicle or piece of equipment will be subject to disciplinary action up to and including termination.**
- 7. Support for cell phones is provided by the cell phone carrier, not the Town of Albion.**
- 8. Since the cell phone is the property of the employee, the cell phone may be used for personal use during non-working time and can be combined or enhanced with other personal plans.**
- 9. Use of the cell phone in any manner contrary to Town of Albion policy, local, state, or federal laws will constitute misuse and will result in immediate termination of eligibility for reimbursement for usage.**

Motion was made by Timothy Neilans and was seconded by Councilperson Ryan Miller authorizing the adoption of this policy. Policy duly adopted by the following vote:

Councilperson Ryan Miller, aye	Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye	Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye	

Supervisor Judith Koehler: I need a motion for the cell reimbursement policy.

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Motion was made by Councilperson Timothy Neilans and was seconded by Councilperson Clifford Thom authorizing the adoption of the cell phone reimbursement policy. Said policy in its entirety is hereby filed with and made a part of these minutes. Motion carried by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: I need a motion to prepay Red Hawk.

Motion was made by Councilperson Matthew Passarell and was seconded by Councilperson Ryan Miller authorizing the prepayment of an invoice for security cameras submitted by Red Hawk in the amount of \$5,397.00. Motion carried by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**

Supervisor Judith Koehler: Last item is on Judge Stirk's retirement.

Supervisor Judith Koehler explained the situation and proposed to the Board that they not appoint a replacement for Judge Dennis Stirk from August 26, 2010 until December 31, 2010 and that Judge Kevin Howard will handle both courts until the end of the year and he will be compensated accordingly. She stated that possible consolidation with an adjacent town is something she is looking into because one of their judges is retiring.

Supervisor Judith Koehler: I need a motion for a recess for five minutes and then we will go into executive session.

Motion was made by Councilperson Ryan Miller and was seconded by Councilperson Clifford Thom to recess for 5 minutes before executive session at 8:43 pm. Motion carried by the following vote:

**Councilperson Ryan Miller, aye Councilperson Clifford Thom, aye
Supervisor Judith Koehler, aye Councilperson Timothy Neilans, aye
Councilperson Matthew Passarell, aye**